

Brian Doster/DC/USEPA/US

07/26/2011 11:10 AM

To Wendy Blake

cc Richard Ossias, Patricia Embrey

bcc

Subject Re: Fw: SPRU White Paper (FOR CALL WITH DOE TOMORROW AT 11)

Rich forwarded a message about this from Eric Schaaf last week. I just passed it onto you. Based on that, I was waiting to for him to initiate a conversation, but the meeting with DOE sounds like it coming up kind of fast. I'm not available at 11 tomorrow. I'll go through this today and offer any further thoughts I have.

Wendy Blake

Rich, DOE has asked for a meeting with Avi re:...

07/26/2011 10:59:24 AM

From: Wendy Blake/DC/USEPA/US
To: Richard Ossias/DC/USEPA/US@EPA
Cc: Brian Doster/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA
Date: 07/26/2011 10:59 AM
Subject: Re: Fw: SPRU White Paper (FOR CALL WITH DOE TOMORROW AT 11)

Rich,

DOE has asked for a meeting with Avi re: a Region 2 investigation into a possible NESHAP Subpart H violation at DOE's Separations Processing Research Unit (SPRU) facility, located at the Knolls Atomic Power Laboratory (KAPL) site in Niskayuna, New York. (see email below).

(b)(5) - Deliberative Process, Attorney Work-Product [REDACTED]. Avi asked John to attend the meeting with DOE, and John asked me who in our office is handling this potential NESHAP violation matter. I have not heard about the issue previously. Sue Stahle handles rad. NESHAP issues. She may have heard of this issue from the Region, but she is out on vacation this week. I wanted to check in with you and Brian to see if you had heard anything about it.

Below is an excerpt of the paper hi-liting the main dispute between DOE and EPA. In (b)(5) - Deliberative Process, Attorney Work-Product [REDACTED]

Wendy

Excerpt from paper:

(b)(5) - Deliberative Process, Attorney Work-Product



I

John Michaud

Wendy -- Do you know who in your office might...

07/26/2011 09:24:12 AM

From: John Michaud/DC/USEPA/US
To: Wendy Blake/DC/USEPA/US@EPA
Date: 07/26/2011 09:24 AM
Subject: Fw: SPRU White Paper (FOR CALL WITH DOE TOMORROW AT 11)

Wendy --

Do you know who in your office might be handling the below matter?

Thanks.

John R. Michaud
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
Office of General Counsel
U.S. EPA, Washington, D.C.
Mail Code: 2366A
tel: 202-564-5518
fax: 202-564-5531
email: michaud.john@epa.gov

----- Forwarded by John Michaud/DC/USEPA/US on 07/26/2011 09:21 AM -----

From: Avi Garbow/DC/USEPA/US
To: John Michaud/DC/USEPA/US@EPA, Adam Kushner/DC/USEPA/US@EPA
Date: 07/25/2011 06:20 PM
Subject: FW: SPRU White Paper (FOR CALL WITH DOE TOMORROW AT 11)

John and Adam,

Sean Lev, who is the Acting GC at DOE, asked to speak to me tomorrow at 11 concerning an issue (b)(5) - Deliberative Process, Attorney Work-Product

Adam - wasn't sure who minded that shop in OECA, but think it would be helpful to have someone join the call. John - would appreciate it if you could as well, unless someone else is following this issue. Have not yet had an opportunity to read the document that Sean just sent over, and don't expect you to have done so before the call. If either or both can participate, you are welcome to join me in my office at that time. Thanks,

Avi

Avi Garbow
Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-1917

----- Forwarded by Avi Garbow/DC/USEPA/US on 07/25/2011 06:04 PM -----

From: "Lev, Sean" <Sean.Lev@hq.doe.gov>
To: Avi Garbow/DC/USEPA/US@EPA
Date: 07/25/2011 05:59 PM
Subject: FW: SPRU White Paper

Avi: Here is a paper on this issue, although it would be unfair to expect you to have studied this by tomorrow. I will have a few DOE lawyers on the call tomorrow; feel free to ask others from EPA. You might want to have someone from Enforcement.

Thanks
Sean



SPRU White Paper 2011-07-24 final(clean).docx